IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 15674 of 2007(N)

PETITIONER:

SASIKUMAR, S/O RAVEENDRAN,
RESIDING AT PAZHAYA VAYALIL VEEDU,
KOOTTUMVATHUKKAL, PANDAKASALA,
CHIRAYINKEEZHU TALUK, TRIVANDRUM DISTRICT.

BY ADV. SRI.NAGARAJ NARAYANAN
SRI.SAIJO HASSAN
SRI.A.S.SABU
SRI.A.G.GIRISH KUMAR

RESPONDENTS:
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1. CHIRAYINKEEZHU GRAMA PANCHAYATH,
CHIRAYINKEEZHU, TRIVANDRUM DISTRICT,
REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY, CHIRAYINKEEZHU GRAMA
PANCHAYATH, CHIRAYINKEEZHU, TRIVANDRUM DISTRICT.

BY ADV. SRI.PIRAPPANCODE V.SREEDHARAN NAIR
SRI.PIRAPPANCODE V.S.SUDHIR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1	**TRUE COPY OF THE BUILDING PERMIT ISSUED TO THE PETITIONER DTD. 11-1-2006**
EXT.P2	**TRUE COPY OF THE COMPLAINT DTD. 7-11-06**
EXT.P3	**TRUE COPY OF THE NOTICE ISSUED BY THE SECOND RESPONDENT DTD. 11-4-2007**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

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W.P.(C).No. 15674 OF 2007

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Dated this the 11th day of June, 2007

JUDGMENT

Petitioner challenges Ext.P3. Case of the petitioner in brief is as follows:

Petitioner has constructed a building on the basis of Ext.P1, which is a building permit issued by the second respondent. After the construction of the building, one Vikraman gave Ext.P2 complaint before the Ombudsman alleging that petitioner has constructed building violating the requirement of keeping 3 meters from the public road. According to the petitioner, petitioner has entered appearance before the Ombudsman on 28/02/2007. He had appeared personally till 27-04-2007 on which day he filed a vakalath and the case was posted to 01-06-2007 for objection of the petitioner and no orders were passed in the said proceedings. It is at that juncture, Ext.P3 notice was

issued informing that portion of the building will be demolished.

2. Learned counsel appearing on behalf of the respondents would contend that Ext.P3 notice is issued on the basis of the notice issued by the Ombudsman. It is issued only for the purpose of ascertaining whether the construction made by the petitioner is in violation of the statutory rules. Learned counsel for the respondent further submits that respondent does not intend to carry out demolition of the building pursuant to Ext.P3 at this stage. In other words, learned counsel for the Panchayat would submit that petitioner need not have any apprehension that the construction will be demolished on the basis of Ext.P3 at this stage. It is their case that it is only for the purpose of sending a report to the Ombudsman and presenting the case by the local authority before the Ombudsman that this exercise will be undertaken by the respondent.

3. I heard learned counsel for the petitioner also.

4. Learned counsel for the petitioner also submits that petitioner will co-operate with the respondent in the matter of carrying out measurements.

5. I do not think that this court need interfere in the matter in the light of the submission made by the learned counsel for the respondent Panchayath. Apparently Ext.P3 exercise has undertaken for the purpose of apprising Ombudsman of the correct state of affairs. I do not think any reason for the petitioner having any apprehension at this stage.

In such circumstance, recording the submission of the learned counsel for the respondent Panchayat, the writ petition is disposed of.

(K.M.JOSEPH, JUDGE)

sv.